

conclusions of law and argument. However, it may not order any consolidation that would prejudice the rights of any party. A consolidation under this section may be for all purposes of the proceeding, all of the issues of the proceeding, or with respect to any one or more issues thereof.

[37 FR 15132, July 28, 1972]

**§ 2.716 Consolidation of proceedings.**

On motion and for good cause shown or on its own initiative, the Commission or the presiding officers of each affected proceeding may consolidate for hearing or for other purposes two or more proceedings, or may hold joint hearings with interested States and/or other federal agencies on matters of concurrent jurisdiction, if it is found that such action will be conducive to the proper dispatch of its business and to the ends of justice and will be conducted in accordance with the other provisions of this subpart.

[43 FR 17802, Apr. 26, 1978]

**§ 2.717 Commencement and termination of jurisdiction of presiding officer.**

(a) Unless otherwise ordered by the Commission, the jurisdiction of the presiding officer designated to conduct a hearing over the proceeding, including motions and procedural matters, commences when the proceeding commences. If no presiding officer has been designated, the Chief Administrative Law Judge has such jurisdiction or, if he is unavailable, another administrative law judge has such jurisdiction. A proceeding is deemed to commence when a notice of hearing or a notice of proposed action pursuant to § 2.105 is issued. When a notice of hearing provides that the presiding officer is to be an administrative law judge, the Chief Administrative Law Judge will designate by order the administrative law judge who is to preside. The presiding officer's jurisdiction in each proceeding will terminate upon the expiration of the period within which the Commission may direct that the record be certified to it for final decision, or when the Commission renders a final decision, or when the presiding officer shall have withdrawn himself from the case

upon considering himself disqualified, whichever is earliest.

(b) The Director of Nuclear Reactor Regulation or Director of Nuclear Material Safety and Safeguards, as appropriate, may issue an order and take any otherwise proper administrative action with respect to a licensee who is a party to a pending proceeding. Any order related to the subject matter of the pending proceeding may be modified by the presiding officer as appropriate for the purpose of the proceeding.

[28 FR 10153, Sept. 17, 1963; 31 FR 12776, Sept. 30, 1966, as amended at 37 FR 28711, Dec. 29, 1972]

**§ 2.718 Power of presiding officer.**

A presiding officer has the duty to conduct a fair and impartial hearing according to law, to take appropriate action to avoid delay, and to maintain order. He has all powers necessary to those ends, including the powers to:

- (a) Administer oaths and affirmations.
- (b) Issue subpoenas authorized by law.
- (c) Rule on offers of proof, and receive evidence.
- (d) Order depositions to be taken.
- (e) Regulate the course of the hearing and the conduct of the participants.
- (f) Dispose of procedural requests or similar matters.
- (g) Examine witnesses.
- (h) Hold conferences before or during the hearing for settlement, simplification of the issues, or any other proper purpose.
- (i) Certify questions to the Commission for its determination, either in his discretion or on direction of the Commission.
- (j) Reopen a proceeding for the reception of further evidence at any time prior to initial decision.
- (k) Appoint special assistants from the Atomic Safety and Licensing Board Panel pursuant to § 2.722;
- (l) Issue initial decisions; and
- (m) Take any other action consistent with the Act, this chapter, and sections 551–558 of title 5 of the United States Code.

[27 FR 377, Jan. 13, 1962, as amended at 45 FR 62028, Sept. 18, 1980]